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FOR NEA/ARP DS/IP/NEA, DS/DSS/ITA, DS/ICI/PII, DS/ICI/CI,  
NEA/EX, S/CT

E.O. 12958: DECL: 11/12/2017

TAGS: PREL PTER PGOV KISL YM

SUBJECT: EMBASSY SHOOTER SENTENCED TO FIVE YEARS

REF: A. 06 SANAA 3182  
IB. IIR 6 906 0050 07  
IC. 07 SANAA 2072  
ID. 07 SANAA 2050  
IE. 06 SANAA 3180  
IF. 06 SANAA 3183  
IG. 06 SANAA 3247  
IH. 07 SANAA 00030  
II. 07 SANAA 429

Classified By: Ambassador Stephen A. Seche for reasons 1.4 (b), (c) and (d)

¶1. (C) On November 12, a Yemeni state security court sentenced Saleh Mohammad Salim al-Ammari to five years in prison for opening fire on the US Embassy in Sana'a on December 5, 2006 (ref a). (Note: Original reports listed the shooter's name as Saleh Mohammed Salem Alawi. End note.) Lawyers familiar with the case told the Embassy on November 12 that al-Ammari was sentenced under Yemeni Criminal Law No. 12 passed in 1994. (Note: Post is attempting to clarify the specific charge. Yemen lacks an effective counterterrorism law. End Note.) According to a report by the official news agency Saba, the prosecution charged that the gunman was seeking to "damage Yemen's diplomatic relations." Press reports indicate that the defendant's lawyers have appealed the sentence and that his family has appealed for his release based on mental instability brought on by his bankruptcy, inability to obtain a visa to travel to Saudi Arabia, and his age, which they say was 17 years at the time of the attack. (Note: The family's claim that he was 17 years old at the time of the attack conflicts with official reports that he was 19 years old at the time of his conviction less than 12 months later. End Note.)

¶2. (S) Opposition Nasserite Party news website Al-Wahdawi.net reported on 11/13 that prosecutors told the court in April that Al-Ammari attacked the Embassy after listening to tapes calling for jihad against the United States. This jibes with photos in a preliminary report on the incident acquired by the Embassy in mid-December 2006. While the report did not comment directly on Al-Ammari's motives, it included a photo that showed purported extremist cassette tapes and a cassette player belonging to the shooter (ref b). The fact, however, that the same report contained a photo that had been visibly altered does raise some doubts about its veracity.

¶3. (C) Comment. This case has been in process since April. It is therefore unlikely that the timing of the sentencing is directly related to recent ROYG efforts to highlight its "tough-on-terror" credentials in the wake of the Badawi incident (refs c, d, et al). End Comment.

FINAL EVALUATION OF CASE

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¶4. (SBU) Post has monitored the case since the attack and has received excellent cooperation from the Host Government. Refs a,e,f,g,h and i represent Post's reporting on the incident. Post considers the case closed.

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